

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AMERICAN AIRLINES, INC.,

Plaintiff,

v.

SKIPLAGGED, INC.,

Defendant.

§
§
§
§
§
§
§
§

Civil Action No. 4:23-cv-00860-P

**DEFENDANT SKIPLAGGED, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO
EXCLUDE EXPERT OPINIONS AND TESTIMONY OF GARY L. GUTZLER,
MOTION TO STRIKE LATE-PRODUCED EVIDENCE**

Defendant Skiplagged, Inc. ("Skiplagged") hereby files Response to Plaintiff American Airlines, Inc.'s ("AA") Motion to Exclude Expert Opinions and Testimony of Gary L. Gutzler, Motion to Strike Late-Produced Evidence [Dkt. 211].

Skiplagged's Response is based upon its (1) Brief in Support; (2) Appendix; and (3) all pleadings and papers on file in this action. Pursuant to this Court's local rules, Skiplagged files its Brief in Support contemporaneously with this Response.

Skiplagged asks this Court to deny AA's Motion to Exclude Gutzler because Gutzler's opinions and testimony are based on reliable underlying facts, data and methodology, Gutzler performed an independent analysis of Skiplagged's business records, the Rebuttal Reports contain proper rebuttal opinions to AA's damages expert, and reference to newly available and produced data was proper.

For the reasons provided in Skiplagged's Brief in Support of this Response, Skiplagged requests that this Court deny AA's Motion to Exclude and award such other relief to which Skiplagged is entitled.

Dated: August 30, 2024

/s/ William L. Kirkman

William L. Kirkman
Texas Bar No. 11518700
Preston B. Sawyer
Texas Bar No. 24102456
KIRKMAN LAW FIRM, PLLC
201 Main Street, Suite 1160
Fort Worth, Texas 76102
Telephone: (817) 336-2800
Facsimile: (817) 887-1863
billk@kirkmanlawfirm.com
prestons@kirkmanlawfirm.com

/s/ Abigail R.S. Campbell

Aaron Z. Tobin
Texas Bar No. 24028045
Kendal B. Reed
Texas Bar No. 24048755
Abigail R.S. Campbell
Texas Bar No. 24098759
**CONDON TOBIN SLADEK THORNTON
NERENBERG PLLC**
8080 Park Lane, Suite 700
Dallas, Texas 75231
Telephone: (214) 265-3800
Facsimile: (214) 691-6311
atobin@condontobin.com
kreed@condontobin.com
acampbell@condontobin.com

/s/ Darin M. Klemchuk

Darin M. Klemchuk
Texas Bar No. 24002418
KLEMCHUK PLLC
8150 North Central Expressway, 10th Floor
Dallas, Texas 75206
Telephone: (214) 367-6000
Facsimile: (214) 367-6001
Darin.klemchuk@klemchuk.com

Attorneys for Defendant, Skiplagged, Inc.

CERTIFICATE OF SERVICE

On August 30, 2024, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/Abigail R.S. Campbell
Abigail R.S. Campbell